

REMARKS

In the Official Action mailed from the United States Patent and Trademark Office ("PTO") on January 13, 2004, Claims 1-16, 18-27 and 29-31 are rejected and Claims 17 and 28 are objected to.

According to the Official Action, Claim 22 "is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." The reason for this rejection appears to be the it is not clear whether "the sight bracket referred to in claim 22 is the same bracket referred to in claim 19." (Action, Page 2)

Reconsideration of this rejection is respectfully solicited.

It is respectfully submitted that amended Claims 19 and 22 particularly point out and distinctly claim the invention is compliance with 35 U.S.C. 112, second paragraph. As set forth in amended Claim 19, which depends from Claim 18, "a sight mounting bracket" is provided "for attaching a sight in close proximity to one of the first and second pivotal connectors." As set forth in amended Claim 22, which depends from Claim 18, "a sight mounting bracket" is provided "for attaching a sight in close proximity to each of the first and second pivotal connectors." Accordingly, amended Claims 19 and 22 particularly point out and distinctly claim the invention is compliance with 35 U.S.C. 112, second paragraph.

According to the Official Action, Claims 1-4, 6, 7, 9, 10, 12-16, 18, 21, 23-27 and 29-31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pedersen 2,820,444.

Reconsideration of this rejection is respectfully solicited.

It is respectfully submitted that amended independent Claim 1 and its dependent Claims 2-5 and 6-16; amended independent Claim 18 and its dependent Claims 19, 22-24 and 26-27; and amended independent Claim 29 and its dependent Claims 31-32 are not clearly anticipated by the reference to Pedersen 2,820,444.

Amended independent Claim 1 is directed to a slingshot body that includes "a stop member to prevent pivotal movement of said fork portion beyond a chosen angle relative to said gripping portion." The reference to Pedersen 2,820,444 fails to teach or suggest any such stop member.

Therefore, amended independent Claim 1 and its dependent Claims 2-5 and 6-16 are not clearly anticipated by the reference to Pedersen 2,820,444.

Amended independent Claim 18 is directed to a slingshot body that includes "pivotal connecting apparatus for pivotally connecting the elastic member to said fork portion, said pivotal connecting apparatus including first and second pivotal connectors disposed on said fork portion, the first and second pivotal connectors having a pivoting axis, the pivoting axis being disposed to extend substantially coincidently with one another." The reference to Pedersen 2,820,444 fails to teach or suggest any such pivotal connecting apparatus.

Further, dependent Claims 23 and 24 are dependent on Claim 22, which is not rejected as being anticipated by the reference to Pedersen.

Further, dependent Claim 24 includes "said stabilizing member being disposed to extend between first and second arms of said fork portion and along a side of the first arm facing away from the second arm and along a side of the second arm facing away from the first arm." The reference to Pedersen 2,820,444 fails to teach or suggest any such stabilizing member.

Further, dependent Claim 26 includes "said pivotal connecting apparatus having first and second pivotal connectors, the first pivotal connector disposed in close proximity to the first outboard end of said fork portion and the second pivotal connector disposed in close proximity to the second outboard end of said fork portion." The reference to Pedersen 2,820,444 fails to teach or suggest any such pivotal connecting apparatus.

Therefore, amended independent Claim 18 and its dependent Claims 19, 22-24 and 26-27 are not clearly anticipated by the reference to Pedersen 2,820,444.

Amended independent Claim 29 is directed to a slingshot body that includes "a stabilizing member for inhibiting undesired movement of said fork portion, said stabilizing member being disposed to extend between first and second arms of said fork portion and for a distance along a side of the first arm facing away from the second arm and along a side of the second arm facing away from the first arm." The reference to Pedersen 2,820,444 fails to teach or suggest any such stabilizing member.

Therefore, amended independent Claim 29 and its dependent Claims 31-32 are not clearly anticipated by the reference to Pedersen 2,820,444.

Accordingly, amended independent Claim 1 and its dependent Claims 2-5 and 6-16; amended independent Claim 18 and its dependent Claims 19, 22-24 and 26-27; and amended independent Claim 29 and its dependent Claims 31-32 are not clearly anticipated by the reference to Pedersen 2,820,444.

According to the Official Action, Claims 18-20 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ellenburg et al 5,894,672.

Reconsideration of this rejection is respectfully solicited.

It is respectfully submitted that amended independent Claim 18 and its dependent Claims 19, 22-24 and 26-27 are not clearly anticipated by the reference to Ellenburg et al 5,894,672.

Amended independent Claim 18 is directed to a slingshot body that includes "pivotal connecting apparatus for pivotally connecting the elastic member to said fork portion, said pivotal connecting apparatus including first and second pivotal connectors disposed on said fork portion, the first and second pivotal connectors having a pivoting axis, the pivoting axis being disposed to extend substantially coincidently with one another." The reference to Ellenburg et al 5,894,672 fails to teach or suggest any such pivotal connecting apparatus.

Therefore, amended independent Claim 18 and its dependent Claims 19, 22-24 and 26-27 are not clearly anticipated by the reference to Ellenburg et al 5,894,672.

Accordingly, amended independent Claim 18 and its dependent Claims 19, 22-24 and 26-27 are not clearly anticipated by the reference to Ellenburg et al 5,894,672.

According to the Official Action, Claims 1, 5, 7-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellenburg et al in view of Pedersen.

Reconsideration of this rejection is respectfully solicited.

It is respectfully submitted that amended independent Claim 1 and its dependent Claims 5, 7-9 and 11 are patentable over Ellenburg et al in view of Pedersen.

As previously explained, amended independent Claim 1 is directed to a slingshot body that includes "a stop member to prevent pivotal movement of said fork portion beyond a chosen angle relative to said gripping portion." The reference to Pedersen fails to teach or suggest any such stop member. Further, the reference to Ellenburg et al fails to make up for this lack of teaching. Accordingly, the combination of references to Ellenburg et al and Pedersen fails to teach or suggest applicant's invention set forth in amended independent Claim 1 and its dependent Claims 5, 7-9 and 11.

Further, the references to Ellenburg et al and Pedersen are not properly combinable because the references teach away from the suggested combination. The reference to Ellenburg et al teaches pivotally connecting a sight marker at the ends of breaches 12 and 14, the pivot rotation being around pivotal axes that extend parallel to one another. The reference to Pedersen teaches pivotally connecting an inner ring 12 to an outer frame 10 for pivotal rotation around a headed rivet 44, the pivotal rotation being disposed along axes that extend perpendicular to the axes of the apparatus taught in the reference to Ellenburg et al. Accordingly, the references to Ellenburg et al and Pedersen teach away from the suggested combinable.

According to the Official Action, claims 17 and 28 "are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

As amended, claims 17 and 28 now include all of the limitations of their respective base claim and any intervening claims. Accordingly, it is submitted that these claims should be considered allowable.

For the foregoing reasons, it is respectfully submitted that this application should be considered in condition for allowance and such is respectfully solicited.

Respectfully submitted,


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